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January 26, 2022

**BY ECF**

Honorable Ramon E. Reyes, Jr.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Empress Hadiya Bey v. Josephine Antoine, et al.,  
19-CV-1877 (PKC) (RER)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, representing defendant Jason Rocke in the above-referenced matter. Defendant Rocke writes in response to plaintiff's letter filed January 17, 2022, setting forth purported discovery issues; specifically, what appears to be a motion to compel certain discovery and a request for the issuance of subpoenas for pretrial hearings involving individuals disclosed in defendant's initial disclosures.

By way of background, plaintiff alleges, *inter alia*, that she was falsely arrested by an employee of the New York City Police Department during the court-ordered removal of her children on May 4, 2018. (ECF No. 7, pp. 65-66.) On December 7, 2021, this Court held an initial conference following which the Court entered a discovery schedule, setting January 14, 2022 as the deadline to serve initial disclosures, and June 10, 2022 as the close of all discovery. On January 3, 2022, plaintiff emailed the undersigned her first discovery demands, which were also filed on the docket on January 17, 2022. (See, ECF No. 90).<sup>1</sup>

Pursuant to Rules 33(b)(2) and 34(b)(2)(A), the respective time to respond to interrogatories and/or document request is thirty (30) days. (Fed. R. Civ. P.) Accordingly, because plaintiff's discovery requests were served on or about January 3, 2022, defendant's responses and objections thereto are not due until on or about February 3, 2022. Thus, defendant has not

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<sup>1</sup> Defendant served their initial disclosures and first set of discovery request on January 14, 2022.

“ignored” plaintiff’s discovery demands and plaintiff’s motion to compel is premature. In any event, defendant will respond to plaintiff’s discovery requests in accordance with Fed. R. Civ. P. 33 and 34.

Further, as to plaintiff’s request for the issuance of subpoenas, it is unclear what plaintiff is seeking. To the extent that plaintiff’s request for a pretrial hearing can be construed as a request for depositions, because three of the four individuals identified by plaintiff are not defendants herein, plaintiff must serve them at their respective commands. To the extent that plaintiff seeks to depose defendant Rocke, plaintiff has not attempted to meet and confer with the undersigned regarding the scheduling of any such deposition and, accordingly, any motion to compel defendant’s deposition should be denied as premature.

Lastly, defendant respectfully requests that the Court remind plaintiff that discovery demands should be served upon, and discussed with, the opposing party in the first instance and of the procedures for raising discovery disputes with the Court.

Defendant thanks the Court for its consideration of this request.

Respectfully submitted,  
/s/ Amanda Rolon  
Assistant Corporation Counsel  
Special Federal Litigation Division

**BY FIRST-CLASS MAIL & EMAIL**

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**BY ECF**

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